

## REMARKS

Claims 1-12 are currently pending in the present application, of which Claims 9-12 have been amended.

The preamble of Claims 9-12 have been amended from "computer storage medium" to "recordable type medium," as suggested by the Examiner. Thus, the objection to the specification is believed to be overcome.

### Rejection under 35 U.S.C. § 103

Claims 1, 5 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mann et al.* (US 6,957,281). Applicant respectfully traverses such rejection.

Claim 1 (and similarly Claims 5 and 9) recites a step of "receiving a plurality of sets of data packets from a plurality of non-synchronous compute nodes physically separated from each other, wherein each of said sets of data packets is provided by one of said non-synchronous compute nodes."

On page 5 of the Final Office Action, the Examiner asserts that the claimed receiving step is disclosed by *Mann* in Figure 1 as item 210, in col. 1, lines 45-60 and in col. 4, lines 52-60. First of all, there is no item 210 in Figure 1 of *Mann*; maybe the Examiner was referring to I/O controller 110 having a classification-based packet transferring mechanism 120 that is connected to a single host 140.

Col. 1, lines 48-53 of *Mann* discloses that "a host system generally processes each received packet individually, including identifying a session from the received packet and accordingly identifying a corresponding session on the host system to which the received packet belongs." Col. 1, lines 54-58 of *Mann* then discloses that "when a data stream is transmitted continuously under a communication session, each received packet, upon arriving at the host, may need to be incorporated in to the existing data stream that constitutes the same session." Since *Mann* discloses only one host system that is capable of receiving packets, *Mann* does not teach

or suggest the claimed step of "receiving a plurality of sets of data packets from a plurality of non-synchronous compute nodes physically separated from each other, wherein each of said sets of data packets is provided by one of said non-synchronous compute nodes" (emphasis added).

Col. 4, lines 52-54 of *Mann* discloses a "classification-based packet transferring mechanism **120** may access the received packets from the front end of the packet queue **220**." Col. 4, lines 55-59 of *Mann* then discloses "classification-based packet transferring mechanism **120** may dynamically determine a session number from classification purposes from a buffered packet that is immediately accessible in the front of the packet queue **220**." Since *Mann* teaches that packets being received from the front end of packet queue **220** and the packets are then transferred to a host system **140** (see Figure 2), *Mann* does not teach or suggest the step of "receiving a plurality of sets of data packets from a plurality of non-synchronous compute nodes physically separated from each other" (emphasis added), as claimed.

On page 2 of the Final Office Action, the Examiner asserts that it would have been obvious to one of ordinary skill that the different nodes can be implemented physically separately from each other. As mentioned above, col. 1, lines 45-60 of *Mann* discloses only one host system that is capable of receiving packets; thus, there is no different node to be physically separated from each other. In addition, col. 4, lines 52-60 of *Mann* discloses that packets are received from the front end of a packet queue **220**, which is contrary to the teachings of one host system for receiving packets as disclosed in col. 1, lines 45-60 of *Mann*. As shown in Figure 2 of *Mann*, packet queue **220** is not part of a host system **140**.

Claim 1 also recites a step of "inserting said data packets into a software container according to user predetermined rules for determining a logical order for said data packets."

On page 5 of the Final Office Action, the Examiner asserts that the claimed inserting step is disclosed by *Mann* in col. 3, lines 6-9, 41-48, col. 4, lines 30-51 and col. 5, lines 18-28. Basically, the Examiner has characterized *Mann*'s packet queue **220** as the claimed software container. According to *Mann* in col. 4, lines 30-41, packet queue **220** is implemented in a first-

in-first-out (FIFO) manner, which is not "user predetermined rules for determining a logical order," as claimed. But more importantly, FIFO will not work with the claimed invention because different sets of data packets from different non-synchronous compute nodes tend to arrive at different times, and FIFO cannot provide the correct order to synchronize the various data packets. Moreover, if FIFO is being utilized, then it is not necessary to have the claimed step of "locating common groups of said data packets within said software container according to said user predetermined rules" since the order (*i.e.*, first in, first out) has already been defined. Incidentally, this means *Mann* does not teach or suggest the claimed locating step either.

Again, as shown in Figure 2 of *Mann*, packet queue **220** is located before host system **140**, and packets arrived at packet queue **220** before arriving host system **140**. Thus, *Mann*'s teachings are contrary to the claimed steps of "receiving a plurality of sets of data packets from a plurality of non-synchronous compute nodes" and then "inserting said data packets into a software container according to user predetermined rules" when packet queue **220** is being characterized as the claimed software container.

Because the claimed invention recites novel features that are not taught or suggested by *Mann*, the § 103 rejection is believed to be overcome.

Claims 2-4, 6-8 and 10-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mann et al.* (US 6,957,281) in view of *Turner et al.* (US 6,907,041). Applicant respectfully traverses such rejection.

Claim 2 (and similarly Claims 6 and 10) recites a step of "said inserting further includes inserting said data packets into said software container according to individual packet time reference."

On page 6 of the Final Office Action, the Examiner states that the claimed inserting step is not disclosed by *Mann*, but the Examiner then asserts that it is disclosed by *Turner* in col. 3, lines 31-47. Col. 3, lines 46-47 of *Turner* teaches that "each source timestamp value indicating

the time at which said packet left the source." However, the teaching of each source timestamp value indicating the time at which said packet left the source is really not related to the claimed step of "inserting said data packets into said software container" that happens to be based on individual packet time reference."

In addition, col. 3, lines 40-42 of *Turner* teaches that "said packets passing from any single source to any single destination are delivered to a single destination in the same order as sent from said single source." Since *Turner* also teaches single source and single destination, it would not be obvious to one skill in the art to modify *Turner*'s teachings (as well as *Mann*'s teachings) to teach the claimed step of "receiving a plurality of sets of data packets from a plurality of non-synchronous compute nodes physically separated from each other" (emphasis added), as claimed.

Because the cited references, whether separately or combined, do not teach or suggest the claimed invention, the § 103 rejection is believed to be overcome.

### CONCLUSION

Claims 1-12 are currently pending in the present application. For the reasons stated above, Applicant believes that independent Claims 1, 5 and 9 along with their respective dependent claims are in condition for allowance. The remaining prior art cited by the Examiner but not relied upon has been reviewed and is not believed to show or suggest the claimed invention.

No fee or extension of time is believed to be necessary; however, in the event that any additional fee or extension of time is required for the prosecution of the present application, please charge it against BAE Corporation Deposit Account No. 19-0130.

Respectfully submitted,



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